

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1, 2, 4-16, and 18-22 are now pending in this application, with Claims 1 and 15 being independent. Claim 1, 4 and 15 have been amended and Claims 21 and 22 are newly-presented herein. Claims 3 and 17 have been cancelled without prejudice or disclaimer.

Claims 1-3, 5, and 15-17 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. 2003/0007027 (Saruta) in view of U.S. Patent Application Publication No. 2002/0171703 (Phillips et al.) Claims 4, 6-14, and 18-20 were rejected under 35 U.S.C. § 103 as being unpatentable over Saruta in view of Phillips et al. and U.S. Patent Application Publication No. 2003/0174180 (Nunokawa). These rejections are respectfully traversed.

With the arrangement and method recited in the independent claims, when the recording head is not mounted, but the kind of device is determined, the communicating means can communicate with the information processing apparatus, and therefore, the host can set the printer driver.

Saruta describes ink cartridges for use in a printer. Data is read from storage elements of the ink cartridges and it is determined whether or not the ink cartridges are suitable for the printer. If so, a printing operation is allowed, whereas, if not, the

printing operation is not allowed and the information representing the prohibition of printing is displayed. More particularly, in Saruta each ink cartridge has a storage element that stores specific information relating to the ink cartridge, such as the date of manufacture. When the printer is turned on, the controller determines whether or not an ink cartridge has been replaced by referring to an ink cartridge replacement flag or other information. The controller reads data from the storage elements of the ink cartridges and determines whether or not the ink cartridges are suitable for the printer. If so, the printing operation is allowed. If not the printing operation is not allowed and the information representing the prohibition of printing is displayed.

That is, as understood by Applicant, Saruta prohibits the printing operation depending on whether or not the replaced new ink cartridge matches the printer. There is no discussion regarding control depending on whether or not the ink cartridge is mounted.

Accordingly, Saruta fails to disclose or suggest at least that when the discriminating means or step discriminates that the kind of device is not determined and the detecting means or step does not detect that the recording head is mounted, the communicating means is prohibited from communicating with the information processing apparatus, and when the discriminating means or step discriminates that the kind of device is determined, the communicating means is not prohibited from communicating with the information processing apparatus, as is recited in the independent Claims 1 and 15.

Thus, Saruta fails to disclose or suggest important features of the present invention recited in the independent claims.

The remaining citations have been reviewed, but are not believed to remedy the deficiencies of Saruta noted above with respect to the independent claims.

Thus, Claims 1 and 15 are patentable over the citations of record. Reconsideration and withdrawal of the § 103 rejections are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1 and 15. Dependent Claims 2, 4-14, 16, and 18-22 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
MAW:ytr

FCIS_WS 1395854v1